



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11739 of 2021

and

W.M.P. (MD) No.9226 of 2021

P.H.Sudharlin Paul

... Petitioner

Vs.

1.The Bishop,
Kanyakumari CSI Diocese and Office,
71 A, Dennis street, Nagercoil.

2.The District Minister,
CSI Marthandam District,
Marthandam Post,
Kanyakumari District.

3.The Pastor,
CSI Church, Perai,
Pacode Post, Kanyakumari District.

4.The District Collector,
Kanyakumari District at Nagercoil.

5.The Superintendent of Police,
Kanyakumari District at Nagercoil.

6.The Inspector of Police,
Marthandam Police Station,
Marthandam Post,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 4 to 6 not to disturb the election of Perai CSI Church and direct the respondents 2 and 3 to conduct election to elect 8 deacons in the Perai CSI Church of Kanyakumari District in a near date before announcing Kanyakumari CSI Diocesan Council elections.

For Petitioner

: Mr.E.Murugan

For R-4 to R-6

: Mr.M.Lingadurai

Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents 4 to 6 not to disturb the election that is conducted in the CSI Church at Kanyakumari District and for a further direction to the second and third respondents to conduct election to elect 8 deacons in the Perai CSI Church of Kanyakumari District



2. Heard Mr.E.Murugan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 4 to 6.

3. In the considered view of this Court, the present Writ Petition is not maintainable. The case concerns the conduct of election by the second and third respondents and it seems that someone is stopping the conduct of the election. A dispute of this nature has to be necessarily agitated only before a competent Civil Court. The election dispute concerning a Church can never become a subject matter in a Writ Petition. Article 226 of the Constitution of India is not meant to resolve disputes of this nature.

4. The petitioner is given liberty to move the appropriate Civil Court and work out his remedy. Except giving this liberty, no further orders can be passed in this Writ Petition.

5.This Writ Petition stands dismissed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Superintendent of Police,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Marthandam Police Station,
Marthandam Post,Kanyakumari District.

+1 CC to M/s.SPL GP (SR-22654[F] dated 15/07/2021)

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